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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,839	03/09/2004	David Plummer	A202 1272	2459

26158 7590 01/12/2006

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
P.O. BOX 7037
ATLANTA, GA 30357-0037

EXAMINER

SLACK, NAKO N

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/796,839	Applicant(s) PLUMMER ET AL.	
	Examiner Naoko Slack	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above claim(s) 26,30,37 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-25,28,29,31-34,36 and 39-41 is/are rejected.
- 7) ☒ Claim(s) 27 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/11/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

IDS

Applicant's information disclosure statement received June 11, 2004 has been entered and considered. However, five references appear to have incorrect patent numbers and have been struck from the record.

Terminal Disclaimer

Applicant's terminal disclaimer filed November 15, 2004 has been approved.

Election of Species

In response to the Restriction requirement, applicant elects Species III, claims 22-25, 27, 28, 31-36, 39-41 and withdraws claims 26, 30, 37, and 38. Claims 1-21 were previously canceled.

An examination of claims 22-25, 28, 31-36, and 39-41 follows.

Claim Objections

Claim 31 is objected to because of the following informalities:

The preamble of claim 31 states a decorative grille comprising a grille body and grille clip; however, the last line of the claim positively recites the combination of the grille with a fenestration unit. Specifically, "said grille clip secures said grille body in a fenestration unit." The preamble must be amended to recite the combination or the claim must be amended to remove the positive recitation of the combination. For

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purposes of examination, it is assumed that the subcombination of the decorative grille is intended. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 22-25, 28, 29, 31-35, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,128,871 to Corey.

Claims 22 and 31:

Corey discloses a fenestration unit comprising a glass unit (12a), an attachment member (14), a decorative grille comprising a grille body (16) having an installation end and a grille clip (20) pivotally attached (32) to the installation end, wherein the grille clip secures the grille body in a fenestration unit (Figure 1).

Claims 24 and 32:

The installation end comprises a recess in which the grill clip is disposed (column 2, lines 30-34).

Claims 23 and 33:

The grille clip is frictionally engaged with the installation end of the grille body (column 2, lines 56-57).

Claim 34:

The grille clip comprises a plurality of installation ends, one end engaging the grille (16) and the other end engaging the attachment member (14).

Claim 36:

The grille clip comprises an engagement tab (124) for securing the grille body in an installed position.

Claims 25 and 41:

The grille clip comprises a spring member (34).

Claim 28:

The grille clip comprises an engagement tab (124) that engages the attachment member (14).

Claim 29:

The grille clip comprises a camming surface (34) that engages the installation end.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,128,871 to Corey in view of The Fenestration Glossary, 2000.

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Claims 39 and 40:

While Corey states that the grille body is hollow to accommodate the clip, Corey does not specify that the grille body is formed of wood or thermoplastic material. However, one of ordinary skill in the fenestration art knows that muntin bars are commonly formed from wood, metal, or plastic materials (Fenestration Glossary, 2000).

Allowable Subject Matter

Claims 27 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art Cited of Interest

US Patent 6,494,002 to Gieseke discloses a pivoting muntin bar clip with spring tab.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (571) 272-6848. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571) 272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack
Primary Examiner
Art Unit 3635

NS
January 9, 2006